

IC 34-33-3

Chapter 3. Service of Process on Nonresident Motor Vehicle Operators

IC 34-33-3-1

Operation of vehicle as appointment of secretary of state as attorney for service of process

Sec. 1. (a) This chapter applies to:

- (1) a nonresident;
- (2) a resident of Indiana who becomes a nonresident; or
- (3) the authorized agent of a person described in subdivision (1) or (2);

who operates a motor vehicle upon a public street or highway or any other place in Indiana.

(b) The operation of a motor vehicle by a person described in subsection (a) is considered to be an appointment by the person of the secretary of state to be the person's attorney upon whom process may be served in any action or proceeding against the person arising from an accident or collision in which the person may be involved while operating or permitting to be operated a motor vehicle on a street or highway or any other place in Indiana.

(c) The operation is an agreement that process against the person has the same legal force and validity as if served upon the person personally.

(d) The appointment of the secretary of state is irrevocable and binding upon the executor or administrator of the person.

As added by P.L.1-1998, SEC.29.

IC 34-33-3-2

Venue

Sec. 2. An action may be filed in the county:

- (1) where the plaintiff resides; or
- (2) where the accident or collision occurred;

at the election of the plaintiff. Service of process shall be made by leaving a copy of the action and a fee of five dollars (\$5) with the secretary of state for the defendant to be served. The service is sufficient service upon the person if notice of service and a copy of the process are immediately sent by registered mail to the defendant and the defendant's return receipt is appended to the original process and filed in the court.

As added by P.L.1-1998, SEC.29.

IC 34-33-3-3

Refusal of defendant to claim registered mail; affidavit; fee

Sec. 3. If a defendant refuses to accept or claim registered mail, the secretary of state shall return the registered mail to the plaintiff or to the plaintiff's attorney. The mail shall be appended to the original process, together with an affidavit of the plaintiff or of the attorney or agent that the summons was delivered to the secretary of state, together with a fee of five dollars (\$5), and was returned

unclaimed by the United States Postal Service. The affidavit, together with the returned envelope including the summons, is considered sufficient service upon the defendant.

As added by P.L.1-1998, SEC.29.

IC 34-33-3-4

Death of nonresident before commencement of action

Sec. 4. If a nonresident dies before the commencement of an action brought under this chapter (or IC 34-2-2.5 before its repeal), service of process shall be made on the executor or administrator of the nonresident in the same manner and with the same notice as is provided for the nonresident.

As added by P.L.1-1998, SEC.29.

IC 34-33-3-5

Death of nonresident after commencement of action

Sec. 5. If a nonresident dies after an action has been commenced under this chapter (or IC 34-2-2.5 before its repeal) by service of process upon the nonresident, the court shall allow the action to be continued against the executor or administrator upon motion with notice that the court considers proper.

As added by P.L.1-1998, SEC.29.

IC 34-33-3-6

Continuances

Sec. 6. The court in which an action is brought may order continuances that are reasonable to afford the defendant opportunity to defend the action.

As added by P.L.1-1998, SEC.29.